

CITY CLERK
GLOUCESTER, MA
2017 OCT 12 PM 2:06



GLOUCESTER CITY COUNCIL
Ordinances & Administration Committee
Monday, October 16, 2017 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
AGENDA

(Items may be taken out of order at the discretion of the Committee)

1. *CC2017-033 (Cox) Amend GCO Ch. 22, Sec. 22-270 "Parking prohibited at all times" by ADDING "Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978 (Cont'd from 10/02/17)*
2. *CC2017-034 (Gilman) Amend GCO Ch. 8 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled, "Use of Sky Lanterns" (Also referred to Fire Chief)(Cont'd from 09/18/17)*
3. *CC2017-044 (Gilman) Amend GCO Ch. 9 "Fire Prevention and Protection" by ADDING Sec. 8.6 entitled "Use of Sky Lanterns and other Devices"*
4. *CC2017-041 (Gilman) Request that the Stage Fort Park Tennis Courts be dedicated in honor of Avis Murray*
5. *CC2017-013 (O'Hara) Request that O&A & the Traffic Commission review the beach no parking areas for possible expansion; and that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty to the maximum penalty permissible by law (Cont'd from 09/18/17)*
6. *CC2017-042 (O'Hara) Request that the State Legislature file a Home Rule Petition re: raising parking fines*
7. *CC2017-045 (Cox) Request O&A review and recommend the matter of regulating the use of plastic carryout bags and amend GCO Ch. 9 accordingly*
8. *CC2017-037 (LeBlanc): Request the Traffic Commission make a recommendation for the placement of stop signs and proper markings on Rockland Street, Gloucester Avenue & Madison Court (to codify recommendation for yield sign)*
9. *CC2017-043 (Gilman) Request the Traffic Commission perform a speed study on Gee Avenue (TBC 11/20/17)*

COMMITTEE
Chair, Councilor Steven LeBlanc
Vice Chair, Councilor Jamie O'Hara
Councilor Sean Nolan

CC: Joanne Senos
Jim Destino
Chip Payson

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-033
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 08/08/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances Chapter 22 “Traffic”, Section 22-270 “Parking prohibited at all times” be **amended** by **ADDING** “Prospect Street, parking prohibited on the northerly side of Prospect Street from its intersection with Friend Street in a westerly direction to Taylor Street, from utility pole #976 to #978”.

FURTHER ORDERED that the matter of amendments to Section 22-270 “Parking prohibited at all times” be referred to the Ordinances & Administration Standing Committee and the Traffic Commission for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-034
COUNCILLORS: Valerie Gilman

DATE RECEIVED BY COUNCIL: 08/22/17
REFERRED TO: O&A & Fire Department

ORDERED that the Gloucester Code of Ordinances, Chapter 8 “Fire Prevention and Protection” be **AMENDED** by **ADDING** section 8.6 entitled “Use of Sky Lanterns” as follows:

Sky lanterns, using an open flame (or any similar object or devise), are not permitted in the City of Gloucester.

Sec. 8-7-8-14. Reserved.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Fire Department for review and recommendation.

Valerie Gilman
Ward 4 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-044
COUNCILLORS: Val Gilman

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A & Fire Dept.
FOR COUNCIL VOTE:

ORDERED that the Gloucester Code of Ordinances, Chapter 8 "Fire Prevention and Protection" be **AMENDED** by **ADDING** section 8.6 entitled "Use of Sky Lanterns and Other Devices" as follows:

Per Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.00: 10.11.9.1, "Welding torches, tar pots, fire lanterns, and other devices, machines, or processes liable to start or cause fire shall not be operated or used in or upon any areas, except by permit from the authority having jurisdiction or the AHJ." Further, per 527 CMR 1.12.8 "Failure to obtain the necessary permit from the head of the fire department in accordance with the applicable table in 1.12.8" shall constitute a violation of this section.

FURTHER ORDERED that Sec. 1-15 of the Code of Ordinances be **AMENDED** by **ADDING** that "Violations of Sec. 8.6 of the Code of Ordinances shall be subject to non-criminal citations issued by the Fire Department for failure to obtain a permit per 527 CMR 1.00 10.11.9.1 and MGL Ch. 148A."

Sec. 8-7-8-14. Reserved.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee and the Fire Department for review and recommendation.

Valerie Gilman
Ward 4 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-041
COUNCILLORS: Valerie Gilman

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Stage Fort Park tennis courts be dedicated in honor of Avis Murray.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration Standing Committee for review and recommendation.

Valerie Gilman
Ward 4 Councilor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-013
COUNCILLORS: James O'Hara

DATE RECEIVED BY COUNCIL: 05/09/17
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Standing Committee request that the Traffic Commission review the beach no parking areas for possible expansion of beach no parking areas; and

FURTHER ORDERED that Sec. 22-176 "Penalties for parking violations" "Prohibited area (beach district)" be amended to increase the penalty from \$45.00 to the maximum penalty permissible by law.

Councilor James O'Hara
Councillor at Large

Part I	ADMINISTRATION OF THE GOVERNMENT
Title XIV	PUBLIC WAYS AND WORKS
Chapter 90	MOTOR VEHICLES AND AIRCRAFT
Section 20A1/2	CITIES OF BOSTON AND CAMBRIDGE; PARKING VIOLATIONS; TAGS; APPEARANCE; FAILURE TO APPEAR; ADJUDICATION BY MAIL

Section 20A1/2. In the cities of Boston and Cambridge and in any city or town which accepts the provisions of this section, each manager in a city having a Plan D or E form of charter or the mayor, with the approval of the city council or board of aldermen in any other city, or the town council or board of selectmen of a town shall designate or appoint a parking clerk. The parking clerk shall report to the council or aldermen of a city, the council or board of selectmen of a town and shall supervise and coordinate the processing of parking notices in such city or town. The parking clerk shall have the authority, after such authorization by the mayor and city council in a city or town council or selectmen in a town, to hire and designate such personnel as may be necessary or contract by competitive bid for such services, subject to appropriation, to implement the provisions of this section; provided, however, that such positions shall be filled in the city of Boston and Cambridge by granting preference to persons who had been employees of said cities in the fire, police or traffic crossing guard service, and all such positions in said city of Boston and Cambridge shall be subject to chapter thirty-one, and in no case in the city of Boston and Cambridge shall the amount expended for administration of this section exceed eleven per cent of the total amount of the annual receipts collected by the parking clerk.

It shall be the duty of every police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established for their respective city or town, forthwith to give the offender a notice, which shall be in tag form as provided in this section, to appear before the parking clerk of the city or town wherein the violation occurred at any time during regular office hours, not later than twenty-one days after the date of such violation. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall be affixed securely to the motor vehicle and shall contain, but shall not be limited to, the following information: the make, color and registration number of the vehicle involved and the state of issuance of said registration number, the date, time and place of the violation, the specific violation charged and, if a meter violation, the number of said meter, the name and badge number of the officer and his division, a schedule of established fines, instructions for the return of the tag and a notice which reads: This notice may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the registered owner. Failure to obey this notice within twenty-one days after the date of violation may result in the non-renewal of the license to drive and the registration of the registered owner.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next business day of the

city or town after receipt of such notice deliver another of such copies to the parking clerk before whom the offender has been notified to appear. The parking clerk shall maintain a docket of all such notices to appear.

Any person notified to appear before the parking clerk, as provided herein, may appear before such parking clerk, or his designee, and confess the offense charged, either personally or through an agent duly authorized in writing or by mailing to such parking clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the parking clerk. Payment of the fine established shall operate as a final disposition of the case. Notice affixed to a motor vehicle as provided in this section, shall be deemed a sufficient notice, and a certificate of the officer affixing such notice that it has been affixed thereto, in accordance with this section, shall be deemed prima facie evidence thereof and shall be admissible in any judicial or administrative proceeding as to the facts contained therein.

The traffic and parking commission of the city of Boston, the traffic commission or traffic director of any other city or town having such a commission or director with authority to promulgate traffic rules, the city council of any other city, and the board of selectmen of any other town, shall, from time to time, establish by rule or regulation a schedule of fines for violations subject to this section committed within such city or town; provided, however, that all such fines shall be uniform for the same offense committed in the same zone or district, if any; and provided, further, that the fine for the violation of the parking of motor vehicles within ten feet of a fire hydrant shall not be more than one hundred dollars, and provided, further, that the fine for the violation of parking a motor vehicle within a posted bus stop shall be \$100; and provided further, that any fine established under the provisions of this section for all other parking violations shall not exceed \$50, if paid within 21 days, nor shall it exceed \$55, if paid thereafter, but before the parking clerk reports to the registrar, as provided below and shall not exceed \$75 if paid thereafter.

Should any person notified to appear hereunder fail to appear and, if a fine is provided hereunder, to pay the same, or having appeared desire not to avail himself of the benefits of the procedure established by this section, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city or town wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first-class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review as provided by section fourteen of chapter thirty A.

If any person fails to appear in accordance with said notice, the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or more such notices, shall not renew the license to operate a motor vehicle of the registered owner of the vehicle or the registration of said vehicle until after notice from the parking clerk that all such matters have been disposed of in accordance with law. Upon such notification to the registrar, an additional twenty dollar charge, payable to the registrar of motor vehicles, shall be assessed against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed of in accordance with law, provided however, that a certified receipt of full and final payment from the parking clerk of the city or town in which the violation occurred shall also serve as legal notice to the registrar that said violation has been disposed of. The notice to appear provided herein shall be printed in such form as the registrar of motor vehicles may approve. The

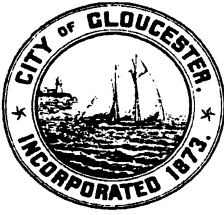
parking clerk shall distribute such notices to the commanding officer of the police department of the city or town upon request, and shall take a receipt therefor. The registrar shall approve such other forms as he deems appropriate to implement this section, and said forms shall be printed and used by the cities and towns.

If any person shall have failed to appear in accordance with five or more said notices, notwithstanding any notification to the registrar, the parking clerk may notify the chief of police or director of traffic and parking of said city or town that the vehicle involved in said multiple violations shall be removed and stored, or otherwise immobilized by a mechanical device, at the expense of the registered owner of said vehicle until such time as the matter has been disposed of in accordance with law.

As used in this section, the words "motor vehicle" shall, so far as apt, include trailer, semi-trailer and semi-trailer unit.

The provisions of this section shall apply to violations of rules and regulations relative to the use of parking areas subject to the control of the county commissioners adjacent to or abutting county buildings, and county commissioners are hereby authorized to make such rules and regulations. Said provisions shall also apply to violations of rules and regulations relative to the parking of motor vehicles established by any commission or body empowered to make such rules and regulations.

Any person notified to appear before the parking clerk, as provided herein, without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the parking clerk shall be final subject to any hearing provisions provided by this section or to judicial review as provided by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement explaining the procedure to adjudicate the violation by mail.



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-042
COUNCILLORS: James O'Hara

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the City Council request and refer to the Ordinances and Administration Standing Committee that the State Legislators file a Home Rule Petition; and based on said Petition, the General Court approve and enact a Special Act substantially as follows:

Section 1. Notwithstanding any general or special law to the contrary upon approval by the city council and mayor, the City of Gloucester may raise any parking fines established chapter 90 section 20A 1/2, provided further that any fine established under chapter 90 section 20 A 1/2 for all other parking violations shall not exceed \$75, if paid within 21 days, nor shall it exceed \$80, if paid thereafter, but before the parking clear reports to the registrar as provided for under Chapter 90 section 20A 1/2 and shall not exceed \$100 if paid thereafter.

Section 2. The act shall take effect upon passage.

FURTHER ORDERED that this matter be referred to the Ordinances & Administration for review and recommendation.

James O'Hara
Councillor at Large



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-045
COUNCILLORS: Melissa Cox

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Committee shall review the matter of regulating the use of plastic carryout bags and shall propose banning them or reducing them by creating the following ordinance:

AMEND the Code of Ordinances Ch. 9 Sec. 9-12 by ADDING a new ARTICLE II. – PLASTIC BAGS Sec. 9-12 – Definitions as follows:

The following words shall have the following meanings:

“Building Inspector”, the Building Inspector or his/her designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; and (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed “compostable”.

“Department”, the City’s Building Department.

“Marine-degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability. A plastic bag that is made of polyethylene, polyethylene terephthalate, polyvinyl chloride, polypropylene, or nylon is not deemed “marine-degradable”.

“Recyclable Paper Bag”, a paper bag that meets all of the following requirements: (1) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; and (2) is capable of composting, consistent with the timeline and specifications of the ASTM Standard D6400.

“Retail establishment”, any commercial business facility that sells goods and/or services directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, convenient stores, restaurants and retail stores selling clothing, food and personal items, and dry cleaning services.

“Reusable checkout bag”, a sewn bag with stitched handles that is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 2.25 mils thick.

“Single-use Plastic Bag”, a plastic bag provided by a retail establishment to a customer at the point of sale for the purpose of removing products purchased within that retail establishment. **Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.**

AMEND the Code of Ordinances Ch. 9 Sec. 9-13 by ADDING a new Sec. 9-13 – Requirements as follows:

- (a) No retail establishment as defined in this article shall provide a single-use plastic bag to a customer or customers unless the bag complies with the requirements of being either a recyclable paper bag, a compostable and marine-degradable plastic bag, or a reusable checkout bag.
- (b) Nothing in this article shall prohibit customers from using bags of any type that they bring in to the retail establishment themselves or from carrying away goods that not placed in a bag in lieu of bags provided by the retail establishment.
- (c) The Building Inspector may promulgate rules and regulations to implement this article.

AMEND the Code of Ordinances Ch. 9 Sec. 9-14 by ADDING a new Sec. 9-14 – Enforcement and Penalties as follows:

The Building Inspector shall investigate any report of a failure to comply with this article.

- (a) If the Building Inspector determines that a violation has occurred, the Building Inspector shall issue a warning notice to the retail establishment for the initial violation.
- (b) The penalty for each violation that occurs after the issuance of the warning notice shall be \$50 for each offense. Payment of such fines may be enforced through civil action in the District Court.
- (c) A retail establishment shall have fifteen (15) business days after the date that a notice of violation is issued to pay the penalty or the amount of the penalty payable shall be doubled.

AMEND the Code of Ordinances Ch. 9 Sec. 9-15 by ADDING a new Sec. 9-15 – Exemptions as follows:

The annual Stamp Out Hunger Food Drive sponsored by the Open Door and National Association of Letter Carriers food drive shall be exempt from this article.

AMEND the Code of Ordinances Ch. 9 Sec. 9-16 by ADDING a new Sec. 9-16 – Effective Date as follows:

All of the requirements set forth in this article shall take effect on January 1, 2019.

FURTHER ORDERED that this matter shall be referred to the Ordinances & Administration Standing Committee for review and recommendation.

Melissa Cox
Ward 2 Councillor



**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-037
COUNCILLORS: Steve LeBlanc

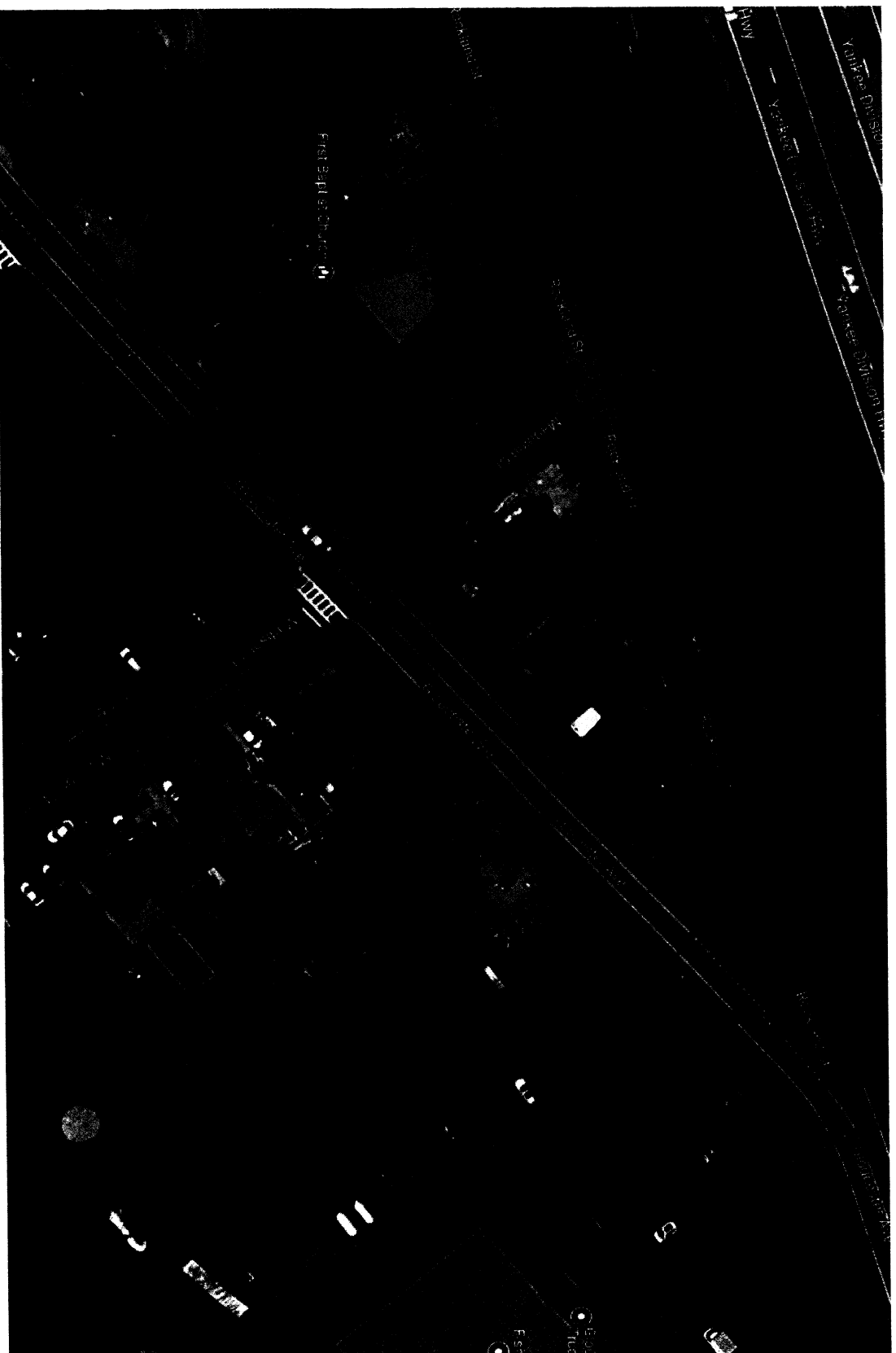
DATE RECEIVED BY COUNCIL: 09/12/2017
REFERRED TO: O&A & TC

ORDERED that the Traffic Commission define the wedge outlined in the attached map of Rockland Street, Gloucester Avenue and Madison Court with stop signs and proper markings and make a written recommendation to the Ordinance & Administration on the findings of their review.

FURTHER ORDERED that this matter be referred to the Traffic Commission and the Ordinances & Administration Standing Committee for review and recommendation.

Steve LeBlanc
Ward 3 Councillor

Rockland Street, Gloucester Avenue, and Madison Court (CC#2017-037-LeBlanc)





**CITY OF GLOUCESTER 2017
CITY COUNCIL ORDER**

ORDER: CC#2017-043
COUNCILLORS: Val Gilman

DATE RECEIVED BY COUNCIL: 10/10/2017
REFERRED TO: O&A & TC
FOR COUNCIL VOTE:

ORDERED that the Ordinances & Administration Standing Committee request that the Traffic Commission perform a speed study on Gee Avenue from the intersection of Cherry Street to the parking area of Goose Cove Reservoir to determine whether there should be a speed limit of 20 mph.

FURTHER ORDERED that the Ordinances & Administration Standing Committee, depending on the results of the speed study, shall recommend to the City Council that the Council request that the MassDOT approve a 20 mph speed limit for said area.

FURTHER ORDERED that this matter be referred to the Ordinance & Administration Standing Committee and the Traffic Commission for review and recommendation.

Valerie Gilman
Ward 4 Councillor